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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,208	12/15/2000	John R. Milton	10005368-1	1142

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

TRAN, QUOC A

ART UNIT PAPER NUMBER

2176

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,208

Applicant(s)

MILTON, JOHN R.

Examiner

Quoc A. Tran

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11 and 13-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 2-11 and 13-2 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to Amendment A filed 04/06/2005.
2. Claims 2-11 and 13-20 are currently pending in this application. Claims 2, 7, 28 and 13 are independent claims. Applicant cancelled claims 1 and 12.

#### ***Claim Rejections - 35 USC § 112***

3. Claims 4, 9 and 15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been withdrawn since correction has been made.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. **Claims 1-17** are rejected under 35 U.S.C. 103(a) as being unpatentable by Langford Wilson US005953733A - filed 06/21/1996 (hereinafter Wilson), in view of Truelson – US006223191B1 - filed 02/12/1998 (hereinafter Truelson).

**In regard to dependent claim 13, storing the original article in a memory of the computer system** (Wilson at col. 5, lines 37-38, discloses an electronic publication system that

allow the publication to store/remove Sections to/from the database), **creating a pruning copy of the original article to be reduced** (Wilson at col. 3, lines 4-7, discloses a newshole, wherein a newshole is filled in accordance with a design, and resizing of the newshole takes place if the fit is not in accordance with predetermined criteria ), also (Wilson at col. 4, lines 54-61, disclose a Layout Styles and if it exist within each Section and are defined by the publication. Each Section has its own set of Layout Styles for example: lead stories, picture stories, fillers, secondary leads and so on. Examiner reads lead stories, picture stories, fillers, secondary leads and so on in the broadest reasonable interpretation as claimed, i.e. article).

Wilson does not explicitly teach, **removing an amount of text from the pruning copy, thereby creating a reduced pruning copy having an amount of text that is less than the amount of text of the original article**, however (Truelson at col. 8, lines 5-40, discloses the calculation method, wherein calculates the weighted score for the current line, it examines BestLine list 240 to determine whether any permutation of Line N has been stored which ends in the same word segment as the current permutation of Line N (step 406)... by removing the last word segment from the current permutation, and repeating the previously described steps from step 403. If the threshold is exceeded, it is considered extremely unlikely that acceptable permutations will be generated by further removal of word segments....),

**And determining an information adequacy of the text of the reduced pruning copy relative to the text of the original article**, however (Truelson at col. 12, lines 20-30 , discloses a formula which is used for providing a weighted score to permutations of text lines for purposes of judging which is best. It would be possible to employ any number of variations on this formula to take into account other factors, or to ignore factors taken into account by the formula

described herein, or to change the relative weightings of the factors. It would further be possible to allow the user to customize the weighting factors...),

**Storing the pruning copy in the memory**, however (Truelson at col. 12, lines 20-30, discloses a formula which is used for providing a weighted score to permutations of text lines for purposes of judging which is best. It would be possible to employ any number of variations on this formula to take into account other factors, or to ignore factors taken into account by the formula described herein, or to change the relative weightings of the factors. It would further be possible to allow the user to customize the weighting factors...),

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Truelson into Wilson to provide a way, wherein removing an amount of text from the pruning copy, thereby creating a reduced pruning copy having an amount of text that is less than the amount of text of the original article, and determining an information adequacy of the text of the reduced pruning copy relative to the text of the original article, and storing the pruning copy in the memory. One of the ordinary skills in the art would have been motivated to perform such a modification to provide a computer system that available with electronic tools that facilitate the building layout wherein the design "style" serve the purpose of giving the newspaper a unique or distinct look so that they are distinguished from their competitors, as taught by Wilson col. 1, lines 30-67 (i.e... serve the purpose of giving the newspaper a unique or distinct look so that they are distinguished from their competitors...).

**In regard to dependent claim 14, *removing a last paragraph of the pruning copy*** (Wilson at col. 1, lines 6-7, provides a mechanism by which text and images for publishing can be prepared and/or edited...).

**In regard to dependent claim 15, obtaining a first value measuring a nature of a content of the original article by performing an analysis of the content of the original article; obtaining a second value measuring a nature of a content of the pruning copy by performing an analysis of the content of the pruning copy** (Wilson at col. 8, lines 45-50, discloses a method, wherein reads the size of the target layout, notes the Section and the Layout Style requested, and searches for Families within the Section/Style which contain Children whose minimum size is smaller than or equal to the target's and whose maximum size is equal to or greater than the target's...).

Wilson does not explicitly teach, **and comparing a ratio of the first value to the second value to a predefined threshold ratio**, however (Truelson at col. 2, lines 50-65 discloses a method, wherein A permutation is pruned ... exceeded a given threshold; or if the weighted score is worse than the weighted score of another permutation which ends with the same word or word segment....).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Truelson into Wilson to provide a way, wherein performing an analysis of the content of the original article by comparing a ratio of the first value to the second value to a predefined threshold ratio. One of the ordinary skills in the art would have been motivated to perform such a modification to provide a computer system that available with electronic tools that facilitate the building layout wherein the design "style" serve the purpose of giving the newspaper a unique or distinct look so that they are distinguished from their competitors, as taught by Wilson col. 1, lines 30-67 (i.e... serve the purpose of giving the newspaper a unique or distinct look so that they are distinguished from their competitors...).

**In regard to dependent claim 16, discarding the original article if the informational adequacy of the reduced pruning copy is insufficient to publish** (Wilson at col. 4, lines 15-22, provides an automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build the new layout and/or use it to replace the previous one...).

**In regard to dependent claim 17, including the reduced pruning copy in a publication if the informational adequacy of the reduced pruning content is sufficient to publish** (Wilson at col. 4, lines 15-22, provides an automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build the new layout and/or use it to replace the previous one...).

**In regard to independent claim 2,** is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale.

**In regard to dependent claim 3,** is directed to a system for performing the method of claim 14, and is similarly rejected under the same rationale.

**In regard to dependent claim 4,** is directed to a system for performing the method of claim 15, and is similarly rejected under the same rationale.

**In regard to dependent claim 5,** is directed to a system for performing the method of claim 16, and is similarly rejected under the same rationale.

**In regard to dependent claim 6**, is directed to a system for performing the method of claim 17, and is similarly rejected under the same rationale.

**n regard to independent claim 7**, is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale.

**In regard to dependent claim 8**, is directed to a system for performing the method of claim 14, and is similarly rejected under the same rationale.

**In regard to dependent claim 9**, is directed to a system for performing the method of claim 15, and is similarly rejected under the same rationale.

**In regard to dependent claim 10**, is directed to a system for performing the method of claim 16, and is similarly rejected under the same rationale.

**In regard to dependent claim 11**, is directed to a system for performing the method of claim 17, and is similarly rejected under the same rationale.

**In regard to dependent claim 18**, is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale.

**In regard to dependent claim 19**, is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale.

**In regard to dependent claim 20**, is directed to a system for performing the method of claim 13, and is similarly rejected under the same rationale.

### ***Response to Argument***

6. Applicant's Remark filed 04/06//2005 have been fully considered but they are not persuasive. The reason for rejection is set forth in the rejection state above and further more of the following:



**Reponses to argument claim 13, Remarks pages 7-11:**

Applicant argues that Truelson fail to teach and/or suggest the concept of removing an amount of text from the pruning copy, thereby creating a reduced pruning copy having an amount of text that is less than the amount of text of the original article. The Office respectfully disagrees, the reason of rejection is set forth in the rejection above and further more of the following. Truelson at col. 4, lines 25-60, discloses a word processing program which is fully supporting the creation, editing, storage and output of text data which are known in the art, e.g. Microsoft® Word and WordPerfect®. The world-processing program employed the method, wherein a "word segment" means the smallest grouping of sequential characters of text, which must always appear together on a single line, further more Truelson at col. 5, line 55 though col. 7, line 15 also see figures 3-4, discloses a pruning permutation of line or paragraph of text to meet the maximum words that are allow in a line or paragraph. Further more Truelson at col. 8, line 25 through col.9, line 50, discloses more in detail of removing the un-fitted "word segment" when exceeding the threshold also illustrating in Fig .5A-5B and 6A-6J. The Office reads the above schema in the broadest reasonable interpretation as the claimed invention, such as the concept of removing an amount of text from the pruning copy, thereby creating a reduced pruning copy having an amount of text that is less than the amount of text of the original article. Therefor Independent claim 13 remain rejected, which lead to the rejection of the intervening claims such as claims 2, 7, 3-6, 8-11 and 14-20.

**Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) -272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Quoc A. Tran*  
*Patent Examiner*  
*Technology Center 2176*  
*June 24, 2005*

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*6/24/2005*